

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

UNCORK AND CREATE LLC,	:	
	:	
Plaintiff,	:	Civil Action No. 2:20-cv-00401
	:	
vs.	:	The Honorable Irene Berger
	:	
THE CINCINNATI INSURANCE	:	
COMPANY; THE CINCINNATI	:	
CASUALTY COMPANY; and THE	:	
CINCINNATI INDEMNITY COMPANY,	:	
Defendants.		

MOTION TO DISMISS PLAINTIFF’S COMPLAINT

Defendants, The Cincinnati Insurance Company, The Cincinnati Casualty Company and the Cincinnati Indemnity Company move, pursuant to Federal Rule of Civil Procedure 12(b)(6) and LR Civ. P. 7.1, to dismiss the complaint of Uncork and Create, LLC. In support of this Motion, Defendants rely upon and incorporate by reference the accompanying Memorandum of Law and attached exhibits. Pursuant to LR Civ. P. 7.1(a)(1), the exhibits relied upon are attached hereto as Exhibits A-E as follows:

- A *Rose’s I, LLC v. Erie Ins. Exchange*, No. 2020 CA 002424 B;
- B Transcript of Proceedings in *Gavrilides Management Company et al. vs. Michigan Insurance Company*, Case No. 20-258-CB-C30;
- C *Social Life Magazine, Inc. v. Sentinel Ins. Co., Ltd.*, 1:20-cv-03311-VEC (S.D.N.Y.);
- D *Diesel Barbershop, LLC. v. State Farm Lloyds*, 20-cv-00461 (W.D. TX.);
- E CDC Reopening Guidance for Cleaning and Disinfecting (4/28/2020).

WHEREFORE, the Defendants respectfully request this Honorable Court to GRANT this Motion to Dismiss in its entirety and Dismiss Plaintiff's Complaint with costs and prejudice imposed.

LITCHFIELD CAVO LLP

/s/ Trisha A. Gill

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Motion to Dismiss* has been filed and served via the CM/ECF filing system to all counsel of record this, 17th day of August, 2020.

Respectfully submitted,

LITCHFIELD CAVO LLP

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